

Calendar No. 9

82D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 8

MR. AND MRS. LUCILLO GRASSI

JANUARY 17 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 48]

The Committee on the Judiciary, to which was referred the bill (S. 48) for the relief of Mr. and Mrs. Lucillo Grassi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The bill provides that Mr. and Mrs. Lucillo Grassi shall not be considered to have lost their United States citizenship because of voting in a foreign election or because of residence outside of the United States.

STATEMENT OF FACTS

This is the case of a man and his wife who were naturalized in 1931 and returned to Italy in 1938 with their minor daughter, a citizen of the United States. The subjects of the bill expatriated themselves by voting in the general elections in Italy and by not returning to the United States within the prescribed period of time.

A letter dated August 25, 1949, from the Assistant to the Attorney General to the chairman of the Committee on the Judiciary with reference to a bill which was introduced in the Eighty-first Congress for the relief of the same aliens, reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,
Washington, August 25, 1949

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1259) for the relief of Mr. and Mrs. Lucillo Grassi.

The bill would provide that notwithstanding the provisions of the Nationality Act of 1940 relating to loss of nationality, Mr. and Mrs. Lucillo Grassi shall not be considered to have lost their United States citizenship because of voting in a foreign election or because of residence outside the United States.

The files of the Immigration and Naturalization Service of this Department disclose that Mr. and Mrs. Lucillo Grassi are natives of Italy, having been born in that country on January 7, 1895, and January 14, 1896, respectively. Mr. Grassi first entered the United States on November 26, 1921, when he was admitted for permanent residence, and his wife, nee Alberta Hofer, first entered the United States on November 30, 1922, when she also was admitted for permanent residence. Mr. and Mrs. Grassi became naturalized citizens of the United States on January 12, 1931. In 1938 they returned to Italy, accompanied by a minor daughter presumably to visit Mrs. Grassi's father, who was ill.

According to a statement made by their friend, Angelo Buccalari, a naturalized citizen of the United States, Mr. and Mrs. Grassi had intended to visit Italy for only 7 or 8 months, but had remained longer because of her father's illness. The friend also stated that they had voted in the Italian elections because of threats made by the local officers to cancel their ration books, but that they had had no political affiliations with Mussolini, or any other party. According to Mr. Buccalari, Mr. and Mrs. Grassi have desired to return to the United States but during the war their resources, including savings in a New York bank, were held by the United States Government because they were Italians living in an enemy country, and that since the war they had been unable to secure the proper documents. He also stated that Mr. Grassi is finding it difficult to earn a living in Italy, and that he and Mrs. Buccalari have been sending them food and clothing. It appears that Mr. Grassi is an artist and a painter and that he had been gainfully employed by firms in New York prior to his return to Italy. The files reflect that he has been studying art since his return to Italy, and that he was at one time a teacher of art in Venice.

From Mr. Buccalari's information it would appear that Mr. and Mrs. Grassi have been expatriated through section 401 (e) of the Nationality Act of 1940 by voting in foreign political elections and section 404 by residence outside the United States and not having returned on or before October 14, 1946. There are many United States citizens in Italy who unknowingly and unintentionally expatriated themselves by being persuaded to vote in the general elections or by not returning on or before October 14, 1946, from an extended residence there. It is the view of this Department that the problem of giving those persons relief should be resolved, if at all, by enactment of general legislation. The quota of Italy, to which Mr. and Mrs. Grassi are chargeable, is oversubscribed for 2 years and a visa may not be readily obtained. However, there are not facts presented in their case to justify enactment of legislation granting them a preference over the many other expatriates who also wish to regain their United States citizenship.

Accordingly, the Department of Justice is unable to recommend the enactment of the bill.

Yours sincerely,

PEYTON FORD,
The Assistant to the Attorney General.

Senator Pat McCarran, the sponsor of the bill, submitted the following memorandum with reference to the case:

Lucillo Grassi, age 53, born in Storo, Province of Trento, Italy; professor, graduated from Academy of Belle Arte in Venice, Italy.

Arrived in the United States of America (New York City) extra quota as an artist in 1921. In the year 1922 sent for his fiancée. In the year 1931 he and his wife became American citizens (in New York City). In 1933 a daughter was born.

Lived in the United States for 16 years. Worked as an artist-painter; painted churches, theaters, etc. Observed all the laws of the country, loving the country as a good American citizen.

Toward the end of the year 1938, taking advantage of the depression in his line of art, went to Italy with his wife and daughter to visit their parents and also to recuperate from arthritis.

For domestic reasons, stayed in Italy longer than the time he had planned and was still there in 1939 when the war started. Not having foreseen the terrible consequences and not being able to return to the United States because of his health, as per the suggestion of the United States consul, he asked for and obtained a permit from said general consul in Milan to stay in Italy for another 6 months. In this period of 6 months the war between the United States and Italy broke out and consequently he was forced to remain in Italy.

Because he was an American citizen and because he would not associate with the Fascists, he was under suspicion and he was more than once threatened with deportation and was told he would be held as a hostage. He has official witnesses to this statement.

As soon as the war was over, he would have returned to the United States but he had no financial means for the very expensive trip as all his financial possessions were frozen in the bank in the United States.

He would have gone to the United States consul in Naples but the communications were interrupted and were difficult, expensive, and dangerous. At the end of October 1946 he learned that the United States had opened a consular office in Milan. He went there and they told him that all the United States citizens had been advised to reenter the United States before October 14, 1946. He had never heard anything about this notice before he went to the consul at the end of October when he was told that the period for reentry had elapsed.

(Please note that he lives in a very small town in the mountains of the Tyrol and news is delayed and sometimes omitted entirely from the small newspaper of the town.)

Nevertheless at the consular office they made an appointment for February 13, 1947. On that date at the said office he made a request to reenter the United States. He was told by the clerk at the office that he had probably lost his United States citizenship because of his prolonged absence from the United States and also because he voted for the temporary Italian government in 1946.

Up to this date 2 years have passed and he is still waiting for an answer to his request from either the United States consul in Milan or from the Department of State in Washington.

Therefore, he is sending this solicitation as he is very anxious to return to the United States.

If he jeopardized his citizenship because of his prolonged absence from the United States, it was entirely against his will. He voted in the primary because he was threatened with being deprived of his ration book and with being ostracized in everything. But thinking that he was doing good to the object of the United States, he voted Democratic. Realizing the mistake he had made by voting in 1946 in the political election, he did not vote in the general election of 1948 and did not vote in the local election.

Now he is begging the Department of State to take into consideration his bona fide case and situation and grant him the reinstatement of his citizenship to enable him to return to the United States, where he still has business and credits to adjust since 1938.

He wants to return to the United States with his wife and daughter as soon as possible to reassume his painting business and give his daughter (now 16) the American education to which she looks forward. His daughter has been studying English for 4 years.

To prove that he always had intentions of returning to the United States is the fact that he has his savings in the National City Bank of New York at 52 Wall Street, New York City. These savings were untied by the Government of the United States in 1948.

All his furniture is in storage at the Santini Bros. warehouse in the Bronx, New York. He also has an active insurance policy with the Metropolitan Life Insurance Co.

He also wants to give his wife and daughter all the necessities that all the American families are enjoying, whereas at the present time they are living a miserable life. It is impossible for him to adapt himself to stay any longer in Italy. He hopes that this petition will be heard favorably.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 48) should be enacted.

